

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES L. WELLS, III,

Plaintiff,

vs.

Case No. 05-70686
Bankruptcy Adv. No. 04-4408
HON. GEORGE CARAM STEEH

SWEET & ASSOCIATES,

Defendant.

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ORDER OF DISMISSAL

On April 14, 2005, the court issued an order in this bankruptcy appeal, requiring appellant to show cause why the case should not be dismissed for failure to designate items included in the record of appeal. Since opening the case on February 22, 2005, appellant had filed nothing in the case, despite Federal Rule of Bankruptcy Procedure (FRBP) 8006's requirement that a designation of the items to be included in the record on appeal and a statement of the issues to be presented be filed within 10 days of filing the notice of appeal. The court noted in its order that the bankruptcy rules permit a retroactive extension of the 10 day period "where the failure to act was the result of excusable neglect" and where an appropriate motion is made by appellant. FRBP 9006.

Despite the court's explicit order, requiring appellant to show cause and accompany a request for an extension with the FRBP 9006(b)(1)(2) motion, appellant merely filed a one page response to the order to show cause, indicating it had filed a designation of record on appeal and statement of issues presented on April 18, 2005.

Because appellant's April 22, 2005 submission complied neither with the court's order to show cause nor with FRBP 9006, the matter is hereby DISMISSED.

IT IS SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: May 6, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on May 6, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk